

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Joseph Constant,

Plaintiff,

v.

Case No. 16-10629

James Hammond,

Sean F. Cox
United States District Court Judge

Defendant.

ORDER REQUIRING ADDITIONAL INFORMATION
PERTAINING TO APPLICATION TO PROCEED IN FORMA PAUPERIS

Proceeding *pro se*, Joseph Constant (“Constant”) filed separate civil actions (Case No. 15-11927¹ and Case No. 15-11928) in this Court wherein he asserted related claims. In each case, Constant sought to proceed *in forma pauperis*. This Court allowed Constant to proceed *in forma pauperis* in those cases and then, pursuant to the Court’s obligations under 28 U.S.C. § 1915(e)(2), dismissed each case for failure to state a claim upon which relief may be granted.

Constant filed a notice of appeal in those actions, along with motions to proceed *in forma pauperis* on appeal. On March 17, 2016 and March 18, 2016, the Sixth Circuit denied all motions in connection with those appeals because the appeals each lacked an arguable basis in law. (*See* Cases No. 15-1886 and No. 15-1882).

Plaintiff recently filed this action, his second suit against James Hammond. On March 23, 2016, this action was reassigned to this Court as a companion case to Case Number 16-

¹ James Hammond, the named Defendant in this action, was also a named defendant in Case No. 15-11927.

11927.

The Court notes that, along with the Complaint in this action, Constant filed an application to proceed *in forma pauperis*. (Docket Entry No. 2).

Although Constant's application indicates that he owns a home located at 49 Highland Drive Bloomfield Hills, Michigan 48302, the application does not state the value of that real estate.

Constant's application also appears to indicate that Constant runs a business called Centramic out of his home and characterizes his income from that as "irregular." Yet the application does not disclose any wages or other income that Constant receives as a result of that business.

Finally, the Court notes that while Constant used the form application to proceed *in forma pauperis* from the Court's website, Constant failed to check "Yes" or "No" with respect to whether, during the past 12 months, he has received income from the following sources: (a) any business, profession, or other self-employment; (b) rent payments, interest, or dividends; (c) pension, annuity, or life insurance payments; (d) disability or worker's compensation benefits; and (d) gifts or inheritances. (*See* Docket Entry No. 2 at 1).

In order to enable this Court to properly evaluate Constant's request to proceed *in forma pauperis* in this action, the Court **ORDERS** Constant to file an affidavit with the Court that states, under oath: 1) the current value of any and all real estate that Constant owns, including 49 Highland Drive Bloomfield Hills, Michigan 48302; and 2) any wages or other income that Constant has received during the past year in relation to Centramic. The Affidavit must also indicate, under oath, whether, during the past 12 months, Constant has received income from the

following sources: (a) business, profession, or other self-employment; (b) rent payments, interest, or dividends; (c) pension, annuity, or life insurance payments; (d) disability or worker's compensation benefits; and (d) gifts or inheritances.

IT IS FURTHER ORDERED that Constant must file such an affidavit within thirty (30) days of this order. If Constant fails to do so, or fails to provide all of the information described above, his application to proceed *in forma pauperis* shall be denied and this action shall be closed.

IT IS SO ORDERED.

Dated: March 24, 2016

S/ Sean F. Cox

Sean F. Cox

U. S. District Judge

I hereby certify that on March 24, 2016, the foregoing document was served on counsel of record via electronic means and upon Joseph Constant via First Class mail at the address below:

Joseph Constant
49 Highland Drive
Bloomfield Hills, MI 48302

S/ J. McCoy

Case Manager